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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Mohamed I. Jabri :
Application No. 09/873830 :
Filing or 371(c) Date: 06/04/2001 :
Title of Invention: METHOD AND :
SYSTEM FOR DEVELOPING AND :
EXECUTING SOFTWARE :
APPLICATIONS AT AN ABSTRACT :
DESIGN LEVEL :

This is a decision on the third petition to revive the application under 37 CFR 1.137(b), filed November 6, 2006, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 14, 2004. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 15, 2005. A Notice of Abandonment was mailed August 25, 2005.

The October 2, 2005 petition

Applicant filed a petition to revive the application on October 2, 2005, that was dismissed in a Decision mailed November 2, 2005, because the petition had not been executed by a proper party in interest.

The second petition

Applicant filed a second petition on December 30, 2005; January 3, 2006; January 26, 2006 and February 1, 2006, which was dismissed in a Decision mailed March 22, 2006, because a reply to the December 14, 2004 Office action had not been filed.

The present petition

Applicant files the present petition and a new petition fee; however, no reply to the Office action has been filed.

Applicable law

As provided in 37 CFR 1.137(b):

A grantable petition pursuant to this paragraph must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

Analysis and conclusion

Applicant has again failed to file a reply to the outstanding Office action. The petition is dismissed.

It is noted that the petition is signed by a registered practitioner. As such, the petition is dismissed without prejudice. Applicant may file a request for reconsideration of petition and include the necessary reply.

It is also noted that the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Finally, there is no fee for a petition for reconsideration. A refund of the petition fee may be obtained by writing to the Office of finance: Refund Section. A copy of this Decision should accompany the request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.


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